

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

H.B.,)	CIVIL ACTION FILE
)	
Plaintiff,)	NO. 1:22-cv-01181-JPB
)	
v.)	
)	
RED ROOF INNS, INC., <i>et al.</i> ,)	
)	
Defendants.)	

**BRIEF IN SUPPORT OF RRI DEFENDANTS' MOTION TO SEAL
OPPOSITION AND FOR LEAVE TO FILE UNDER SEAL**

Defendants Red Roof Inns, Inc., FMW RRI I, LLC, and RRI West Management, LLC (RRI Defendants) ask this Court to seal Exhibit A to the declaration of Tamara Ross.¹ The Opposition references personal identifying information of nonparties that should be sealed from public view.

I. Law & Argument

A party seeking to have material sealed can overcome the common-law right of access by a showing of good cause where there is a “sound basis or legitimate need to take judicial action.” *In re Alexander Grant & Co. Litig.*, 820 F.2d 352, 365 (11th Cir. 1987). Good cause “is established by the moving party when disclosure will cause the party to suffer a clearly defined and serious injury.” *NXP B.V. v.*

¹ The Advisory Notes for Fed. R. Evid. 412 states: “All papers connected with the motion must be kept and remain under seal during the course of trial and appellate proceedings unless otherwise ordered.”

Research In Motion, Ltd., No. 6:12-CV-498-ORL-22TBS, 2013 WL 4402833, at *2 (M.D. Fla. Aug. 15, 2013). A good cause determination “requires balancing the asserted right of access against the other party's interest in keeping the information confidential.” *Romero v. Drummond Co.*, 480 F.3d 1234, 1245 (11th Cir. 2007). Essentially, good cause exists where “[a] party’s privacy or proprietary interest in information ... overcomes the interest of the public in accessing the information.” *Id.*; *Crea v. Krzyzanski*, No. 1:18-CV-00861-JPB, 2020 WL 12214695, at *1 (N.D. Ga. June 19, 2020). This burden is met.

Exhibit A to Tamara Ross’s declaration includes addresses and phone numbers of non-parties that should not be subject to the public docket.

II. Conclusion

For these reasons, the RRI Defendants ask this Court to allow it to file under seal Exhibit A to Tamara Ross’s Declaration, in support of the Red Roof Defendants Opposition to Plaintiff’s Motion for Sanctions.

Dated: October 31, 2024

Respectfully submitted,

/s/ Chelsea Mikula

Sandra J. Wunderlich (pro hac vice)
TUCKER ELLIS LLP
100 South Fourth Street, Suite 600
St. Louis, MO 63102-1822
Telephone: 314.256.2550
Facsimile: 314.256.2549
sandra.wunderlich@tuckerellis.com

Marcella C. Ducca (Ga Bar No. 115079)
Brandon D. Cox (Ga Bar No. 832025)
GREENBERG TRAURIG LLP
Terminus 200
3333 Piedmont Road NE, Suite 2500
Atlanta, GA 30305
Telephone: 678.553.2100
duccam@gtlaw.com
coxb@gtlaw.com

Chelsea Mikula (pro hac vice)
Joseph A. Manno (pro hac vice)
Elisabeth C. Arko (pro hac vice)
Emily R. Grace (pro hac vice)
TUCKER ELLIS LLP
950 Main Avenue, Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5009
chelsea.mikula@tuckerellis.com
joseph.manno@tuckerellis.com
elisabeth.arko@tuckerellis.com
emily.grace@tuckerellis.com

*Attorneys for Defendants Red Roof Inns, Inc.,
FMW RRI I, LLC, and RRI West
Management, LLC*

RULE 7.1D CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D) of the United States District Court of the Northern District of Georgia, the undersigned certifies that the submission to the Court was computer-processed, double-spaced between lines, and used Times New Roman font of 14-point size.

Dated: October 31, 2024

/s/ Sandra J. Wunderlich

Sandra J. Wunderlich

*Attorneys for Defendants Red Roof Inns,
Inc., FMW RRI I, LLC, and RRI West
Management, LLC*

CERTIFICATE OF SERVICE

I hereby certify that on October 31, 2024, a copy of the foregoing was filed electronically. Service of this filing will be made pursuant to Civ. R. 5(b)(2)(e) through this Court's electronic filing system. Parties may access the filing through the Court's system.

Dated: October 31, 2024

/s/ Sandra J. Wunderlich

Sandra J. Wunderlich

*Attorneys for Defendants Red Roof Inns,
Inc., FMW RRI I, LLC, and RRI West
Management, LLC*